

## Article 9. Height and Area Exceptions

16-901 HEIGHT AND AREA EXCEPTIONS. The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, rear yards and other regulations and requirements set forth in the foregoing sections of this Ordinance shall be subject to the following exceptions and additional regulations.

### 901.1 HEIGHT EXCEPTIONS.

- A. In any district, public or semi-public buildings, such as hospitals, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- B. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, storage towers, radio transmitter towers, ornamental towers, monuments, cupolas, domes, spires, stand-pipes, and other necessary mechanical appurtenances shall be erected, as to height, in accordance with existing or hereafter enacted Laws affecting the same.

### 901.2 YARD EXCEPTIONS.

- A. In Districts R-1, R-2, R-3, R-4, and R-5, where lots comprising forty (40%) percent or more of the frontage, on the same side of a street between two intersecting streets, (excluding reverse corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage, except that where a recorded plat has been filed showing a setback line which otherwise complies with the requirements of this Ordinance, yet is less than the established setback for the block as provided above, such set backline shall apply; provided that the Board of Appeals may permit variation in case of hardship or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.
- B. In District C-O to M-2 inclusive, where buildings located in the same block on the same side of a street have provided front yards of greater or less depth than herein required, the Planning Commission may require a similar setback for buildings or structures constructed hereafter.
- C. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.
- D. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into

a minimum yard more than thirty (30) inches; and provided further that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard and existing open porches extending into the required yard shall not be enclosed.

- E. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
- F. In any district, a detached accessory building not exceeding twenty-four (24) feet or two stories in height, or in any case not higher than the main building, may occupy not more than thirty (30) percent of a rear yard.
- G. All corner lots shall provide sight distance triangles, the short leg of which shall be fifteen (15) feet, and the long leg of which shall be one hundred forty (140) feet measured along the curb line or edge of the pavement. Such area shall be and remain free of shrubbery, fences or other obstruction to vision more than two (2) feet in height measured from the roadway.
- H. No rear yard shall be required in Districts C-1 to M-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.
- I. In computing the depth of a rear yard for any building where such yard abuts an alley one-half of such alley may be assumed to be a portion of the rear yard.
- J. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- K. Accessibility to the rear portion of all lots in a District C-O to M-2 inclusive for four wheeled vehicles from and to a public street, alley or way shall be provided unless waived by the Planning Commission.

#### 901.3

**SPECIAL HEIGHT REGULATIONS ADJACENT TO AIRPORTS, INCLUDING LANDING STRIPS.** Any land located within the present or future Corporate Limits of the City of Gardner, which is situated adjacent to or close enough to be affected by the operations of an airport or landing strip, shall be subject to any additional height regulations which may be in effect at the time this Ordinance is adopted, or to any future regulations which may be legally imposed from time to time by the City or County in accordance with applicable Statutes and Planning Laws of the State of Kansas. Such regulations shall apply, but shall not necessarily be limited to, the Gardner Municipal Airport and the Johnson County Industrial Airport.

An "Approach Plan", which defines airport hazard areas, height and clearance limits for the Johnson County Industrial Airport (said plan being dated April 11, 1975) has been adopted by the Federal Aviation Administration and the Johnson County Airport Authority as a part of the Airport Layout Plan for the Industrial Airport. A copy of this plan, along with

any future revisions which may be made in the Approach Plan, will be on file with the City Clerk of Gardner, Kansas and shall be used to define additional regulations pertaining to maximum heights permitted in areas surrounding the Johnson County Industrial Airport.

No building or structure, including transmission line, communication line, pole, tree, smokestack, chimney wires, tower or other structure or appurtenances thereto of any kind or character, shall hereafter be erected, constructed, reconstructed, moved or altered, nor shall any tree or other object of natural growth be allowed to grow so as to encroach within the clearance limits set forth on said approved "Approach Plan".